

DEC 23 2004

Serial No. 09/710,516
Docket No. RPC 0485 PUS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gerald R. Kocfelda, et al.

Examiner: Castellano

Serial No.: 09/710,516

Group Art Unit: 3727

Filed: November 10, 2000

Attorney Docket No: RPC 0485 PUS

Title: **CRATE FOR BOTTLES AND OTHER CONTAINERS**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION FOR ENTRY OF AMENDMENT AFTER FINAL

Applicant hereby petitions for entry of the Amendment After Final (Exhibit A) mailed November 4, 2004, entry of which was denied in the Advisory Action (Exhibit B) mailed December 10, 2004.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this Amendment After Final is being sent via facsimile to 703-872-9306 on December 23, 2004.


Konstantine J. Diamond

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ARGUMENT


Claims 1-17, 19-21, 23-26 and 29-46 were pending and rejected prior to submission of the Amendment After Final. However, in the previous Amendment, two claims numbered "42" were submitted. Therefore, Applicant submitted the Amendment After Final canceling both claims numbers "42" and replacing them with claims 47 and 48. The cancelled claims were reproduced with strikethrough in the Complete Listing of Claims above to demonstrate that they are identical in substance to claims 47 and 48.

Regarding Rule 1.16(b), MPEP 714.12 states, "[A]mendments complying with objections or requirements as to form are to be permitted after final action in accordance with 37 CFR 1.16(b)." Because there were two claims numbered "42" there should have been an objection as to the form of the claims and the Amendment After Final should have been entered. Although misnumbered, these claims were previously paid for in the previous Amendment in which they were added.

Entry of the Amendment After Final is requested. If any fees are due, please charge Deposit Account No. 50-1984.

Respectfully submitted,

Date: December 23, 2004


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AMENDMENT AFTER FINAL

Applicant responds to the final office action mailed August 6, 2004 as follows:

Amendments to the claims begin on page 2.

Remarks begin on page 14.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this Amendment After Final is being sent via facsimile to 703-872-9306 on November 4, 2004.

Konstantine J. Diamond

Exhibit A